IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 231 of 2007 (S/B)

Saurbh Kumar Chaturvedi S/o Sri Vidya Sagar Chaturvedi,
Presently working as Prabhagiya Prabandhak,
Uttarakhand Forest Development Corporation,
District Dehradun. …….. Petitioner

Versus

1. State of Uttarakhand,
through Secretary / Additional Secretary,
Forest & Environment,
Uttarakhand Government, Dehradun.
2. Managing Director,
Uttarakhand Forest Development Corporation,
District Dehradun.
3. State of U.P. through Principal Secretary,
U.P. Lucknow.
4. State of Uttarakhand,
through Principal Secretary,
Government of Uttarakhand,
District Dehradun. …….. Respondents

Mr. V.K. Kohli, Senior Counsel with Mr. Sharad Sharma, Advocate for the petitioner.
Mr.Subhash Upadhyaya, Brief Holder for respondents Nos. 1 & 4.
Mr. V.K. Bist, Senior Counsel with Mr. Virendra Kumar, Advocate for respondent No. 2.
Ms. Beena Pandey, Standing Counsel (U.P. Govt.) for respondent No. 3.

JUDGMENT

Coram: **Hon'ble Rajeev Gupta,C.J.**
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. V.K. Kohli, Senior Counsel with Mr. Sharad Sharma, Advocate for the petitioner.

Mr.Subhash Upadhyaya, Brief Holder for respondents Nos. 1 & 4.

Mr. V.K. Bist, Senior Counsel with Mr. Virendra Kumar, Advocate for respondent No. 2.

Ms. Beena Pandey, Standing Counsel (U.P. Govt.) for respondent No. 3.

2. The learned counsel for the respondents, relying upon the Division Bench Decisions in the cases of **Bhuvan Chandra Pandey & others Vs. State of Uttaranchal & others** reported in **2006(2) U.D. 439 and Nanda Ballabh Pant Vs. State of Uttaranchal & others (W.P.S.B. No. 257 of 2005),** have raised a preliminary objection about the maintainability of the writ petition on the ground that the petitioner has an alternative efficacious remedy of filing a claim petition before the Public Service Tribunal.

3. Petitioner Saurabh Kumar Chaturvedi has filed this writ petition for the following reliefs:

> "i) Issue a writ, order a direction in the nature of certiorari quashing the impugned order dated 12.6.2007 passed by respondent no. 2 and the consequential undated charge sheet issued by respondent no. 2 served on the petitioner on 10.7.2007 annexed as Annexure Nos. 10 & 11 to the writ petition.
>
> ii) Issue a writ, order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case.
>
> iii) Award the cost of the petition."

4. The petitioner in substance, is seeking quashing of the impugned order dated 12.06.2007, whereby the petitioner was placed under suspension and the order dated 10.07.2007, whereby charge sheet was issued and a departmental inquiry was ordered against the petitioner.

5. Mr. V.K Kohli, the learned Senior Counsel for the petitioner could not demonstrate as to how the alternative remedy of filing a claim petition before the Public Services Tribunal is not efficacious in the present case.

6. In this view of the matter and following the Division Bench decisions in the cases of **Bhuvan Chandra Pandey & others Vs.**

State of Uttaranchal & others reported in 2006(2) U.D. 439 and **Nanda Ballabh Pant Vs. State of Uttaranchal & others (W.P.S.B. No. 257 of 2005),** we decline to exercise our discretionary jurisdiction under Article 226 of the Constitution of India.

7. The writ petition, therefore, is liable to be dismissed and is hereby dismissed with the liberty to the petitioner to avail the alternative remedy of filing a claim petition before the Public Services Tribunal for the redressal of the petitioner's grievances projected in the writ petition.

(J.C.S. Rawat, J.) 06.09.2007

(Rajeev Gupta, C. J.) 06.09.2007

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